

I am not a pirate.

But from the disturbing comments that have come from organizations such as the RIAA and MPAA, I might as well be.

This is how I interpret the broadcast flag. "We can't trust you not to pirate our copyrighted material, so we will take away your fair use rights." This is also how I interpret such things as CSS encoding on DVDs, but I know this is outside the scope of the current issue under FCC review. However, it should give you an idea of where I am coming from.

The problem with using the broadcast flag is that I feel it is solving the problem of the fox getting into the henhouse by burning down the henhouse. In the previous paragraph I mentioned CSS encoding on DVDs. This is the industry saying "we don't trust you". But if you, the FCC, approves the broadcast flag, I will now have this very same and very disturbing message from my GOVERNMENT as well. To live in a country where your government does not trust you is to live in fear. I fear the precedent that this will set.

The great majority of Americans, I am sure you will agree, are honest and law-abiding. We buy our DVDs and CDs, we record our TV programs for personal use only, we make copies of software for backup purposes only. We do not need electronic countermeasures to insure our legal status. Does piracy exist? Of course it does. Has it adversely affected the sales of movies and music? I honestly could not tell you for sure. The industry says yes, many consumer advocate groups say no. I feel the answer is somewhere in the middle. However, the gist of it is, the case for economic hardship on the part of the industry is unproven. This should not be used as a basis of the decision.

At best, I feel the FCC should turn down the broadcast flag idea. At worst, the FCC should abstain from the decision entirely and let the industry work it out with the broadcasters. Let the market and the consumer decide. Do not put the United States government in the position of mandating a system that restricts information flow. This will set a very bad precedent in a nation that prides itself on the free exchange of ideas.

DISCLAIMER: These opinions are mine alone and do not necessarily reflect the opinions or policies of Sun Microsystems.